

08/15/05

5411634

Part II

May 12, 2005

Frederick Teal Pro se
P.O.Box 1069
1 Barretts Mill Rd.
W.Concord, MA. 01742

Arthur DeGuglielmo
Superior Court Clerk
Civil Action
40 Thorndike St.
Cambridge, MA. 02141

RE: Habeas Corpus Petition

Clerk DeGuglielmo,

Please find enclosed the following;

1. Civil Action Cover Sheet
2. Habeas Corpus Petition
3. Affidavit in Support of Habeas Corpus Petition
4. Exhibits 1 and 2
5. Certificate of Service
6. Writ of Habeas Corpus Ad Testificandum

Please take note that the fifteen dollar filing fee is also enclosed, and was sent by the institutional treasurers office in the form of a check.

Would you kindly abide by the Habeas Corpus Rules and mark this matter up in a due and diligent fashion? Also there is an extra copy of the above mentioned documentation that this Court needs to serve upon the Respondent. I thank you for your full attention and your complete assistance in this matter. I wait your respectful reply.

Very truly yours,

CIVIL ACTION COVER SHEET

Massachusetts
SUPERIOR COURT DEPARTMENT
Middlesex County CIVIL Division



PLAINTIFF(S)

Frederick Teal

DEFENDANT(S)

James SABA, Supt.

ATTORNEY(S) FIRM NAME, ADDRESS AND TEL)

Pro se P.O. Box 1069
Barretts Mill Rd.
W. Concord, MA 01742

ATTORNEY(S) (if known)

Unknown at
this time

Board of Bar Overseers # (Required)

ORIGIN CODE AND TRACK DESIGNATION

Place an in one box only:

1. F01 Original Complaint
 2. F02 Removal to Sup. Ct. c 231, s. 104 (F)
 3. F03 Retransfer to Sup. Ct. c 231, s. 102C (X)

4. F04 District Ct. Appeal c 231, s. 97 (X)
 5. F05 Reactivated after Rescript; Relief from
judgment/order (Mass. R Civ. P. 60 (X))
 6. E10 Summary process appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)

CODE NO.
E 97

TYPE OF ACTION (specify)

Prisoner's Habeas Corpus Petition

TRACK

(X)

IS THIS A JURY CASE?

 Yes No

1. PLEASE GIVE A CONCISE STATEMENT OF THE FACTS: (Required in ALL Types of Actions)

Petitioner is currently serving an illegal sentence, and his argument relies on the provisions of the Massachusetts Rules of Crim. P. Rule 29(a).

2. IN A CONTRACT ACTION (CODE A) OR A TORT ACTION (CODE B) STATE, WITH PARTICULARITY, MONEY DAMAGES WHICH WOULD WARRANT A REASONABLE LIKELIHOOD THAT RECOVERY WOULD EXCEED \$25,000:

N/A

3. PLEASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.

N/A

NATURE OF ATTORNEY OF RECORD OR PLAINTIFF

Frederick Teal Pro se

DATE

5/14/05

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

DISPOSITION

A. Judgment Entered

1. Before jury trial or non-jury hearing
 2. During jury trial or non-jury hearing
 3. After jury verdict
 4. After court finding
 5. After post trial motion

B. No Judgment Entered

6. Transferred to District Court under G.L. c.231, s.102C.

Disposition Date _____

RECEIVED

BY:

DATE

DISPOSITION ENTERED

BY:

DATE

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss:

SUPERIOR COURT
CIVIL ACTION
No. _____

FREDERICK TEAL,
Petitioner

-vs-

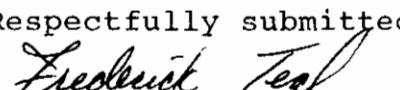
JAMES SABA,
Superintendent

WRIT OF HABEAS CORPUS AD TESTIFICANDUM

Now comes the Petitioner Frederick Teal, appearing pro se in the above captioned action, and requests that this Honorable Court issue a writ of habeas corpus ad testificandum to the Superintendent, James Saba of NECC, whose address is P.O.Box 1069, 1 Barretts Mill Rd. West Concord, Massachusetts 01742. directing him to bring forth the petitioner Frederick Teal before the court on such date and time as it deems fair and just, and until the case is properly disposed of.

DATED: May 12 2005

Respectfully submitted,


Frederick Teal Pro se
P.O.Box 1069
1 Barrets Mill Rd.
W. Concord, MA. 01742

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss:

SUPERIOR COURT
CIVIL ACTION
No. _____

FREDERICK TEAL,
Petitioner

-vs-

JAMES SABA,
Superintendent

PETITION FOR WRIT OF HABEAS CORPUS
SEEKING RELEASE FROM UNLAWFUL RESTRAINT

To the Superior Court at Cambridge, Commonwealth of Massachusetts, now in session in the County of Middlesex.

Frederick Teal (the 'petitioner') in this cause of action, moves this Honorable Court, pursuant to M.G.L.ch. 248, § 1-25, and the Constitution Pt. 2, ch. 6, Article 7 of the Massachusetts Declaration of Rights, seeking his release from unlawful restraint from an illegally imposed two and one half to two and one half and one day prison sentence.

Petitioner states that the instant sentence is not illegal on its face, but in the manner in which it was

(2)

imposed raises a clear question of the denial of due process in violation of the Fourteenth Amendment to the United States Constitution. Which is cognizable pursuant to M.G.L.ch. 248, the Massachusetts habeas corpus statute.

This petition will respectively show that:

1. Petitioner is currently serving a sentence of 2½ years to 2½ years and one day at NECC (Concord-Farm), P.O.Box 1069, 1 Barretts Mill Rd. West Concord, Massachusetts 01742.
2. He is being imprisoned and restrained of his liberty by the Superintendent James Saba of NECC, who lists his address as the same found in paragraph one.
3. On June 27, 2001, the petitioner was convicted by a jury on two Suffolk County Indictments charging him with drug offenses.
4. On Indictment No. 2000-10324-001, Trafficking in Cocaine, in violation of M.G.L.ch. 94C § 32E, petitioner received a sentence of 3 years to 3 years and one day (hereafter the 'A' sentence). On Indictment No. 2000-10324-002, in violation of M.G.L.ch 94C § 32J, selling drugs in a school zone, petitioner received a sentence of 2 years to 2 years and one day. Said sentence to be served 'from and after' the 'A' sentence under Indictment No. 2000-10324-001.
5. After both sentences were imposed, neither party objected to the legality of the consecutive sentencing scheme imposed.

(3)

6. Pursuant to Mass. R. Crim. P. Rule 29(a), on June 27, 2001, if the trial judge felt that the consecutive sentencing scheme that he imposed under both Indictment Nos. 2000-10324-001 and 2000-10324-002, was too harsh, he had sixty days to reduce them sua sponte. From reviewing the docket entries, Exhibit '2', a timely revise and revoke motion was never filed. So therefore the judge was then not permitted to consider events occurring after the original sentences were imposed.

7. On August 27, 2001, the sixty day period that is clearly established by Rule 29 in which to file a revise and revoke motion was the deadline that all interested parties had to file such a motion and no one followed up.

8. So on April 28, 2004, the trial judge in this cause of action, had no power to extend the time within which the motion must be filed or within which the sentence under the instant Indictment No. 2000-10324-002 may be increased.

9. Pursuant to the provisions of Mass. R. Crim. P. Rule 29, to increase the petitioner's prior sentence under Indictment No. 2000-10324-002, of 2 years to 2 years and one day, to 2½ years to 2½ years and one day as the sixty day period that is established by law had expired some 32 months prior, was clearly a violation of due process under the Fourteenth Amendment to the United States Constitution.

CONCLUSION

Based upon the backdrop of this clearly established law, and from a review of Exhibit '2', the docket entries, when the judge acted sua sponte on his own motion, when he revoked the petitioner's sentence on April 28, 2004, the sentence was improperly increased from 2 years to 2½ years and thus was illegal.

Petitioner requests that this Honorable Court make a judicial determination that where the time to revise and revoke had expired, that on April 28, 2004 the judge lacked the power to alter the original consecutive sentence of 2 years to 2 years and one day to 2½ years to 2½ years and one day under Indictment No. 2000-10324-002. Mass. R. Crim. P. Rule 29(a), 378 Mass. 899 (1979).

In all fairness to the petitioner, the revocation order revising the original 2 year sentence and imposing the 2½ year sentence should be vacated as the procedure in which it was imposed was clearly illegal.

Therefore, a Writ should issue to the Superintendent James Saba, to bring forth before the Court, the petitioner, to vacate this prior commitment and immediately release him from unlawful restraint.

Furthermore, since the issue raised by the petitioner is clearly a due process violation, and evidentiary hearing should be marked up in order to resolve this matter expeditiously.

CERTIFICATE OF SERVICE

I, Frederick Teal, hereby certify that I have on this day served the foregoing Writ of Habeas Corpus Petition, Affidavit in Support of Habeas Corpus Petition, attached Exhibits 1 and 2, by mailing, first class, postage prepaid, 2 copies of same to Superior Court, Civil Division, Arthur DeGuglielmo, Middlesex County Superior Court, 40 Thorndike St., Cambridge, MA. 02141.

DATED: _____

Respectfully submitted,

Frederick Teal Pro se
P.O.Box 1069
1 Barretts Mill Rd.
W. Concord, MA. 01742

cc/3crys

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss:

SUPERIOR COURT
CIVIL ACTION NO. _____

FREDERICK TEAL,
Petitioner

-vs-

JAMES J. SABA,
Superintendent

AFFIDAVIT IN SUPPORT OF
WRIT OF HABEAS CORPUS PETITION
SEEKING RELEASE FROM UNLAWFUL RESTRAINT

I Frederick Teal, depose and state the following;

1. I am the petitioner in the above captioned action.
2. I make this affidavit in support of my Writ of Habeas Corpus Petition requesting immediate release from unlawful restraint.
3. On June 27, 2001, a jury convicted me on two Suffolk County Indictments, Nos. 2000-10324-001 and 2000-10324-002, that charged drug offenses. (See attached hereto, and marked as Exhibit '1', copies of the indictments).
4. On the same day as I was convicted, June 27, 2001, the superior court sentenced me as follows; Indictment No. 2000-10324-001- Convicted of Trafficking in Cocaine, in violation of MGL.ch. 94C § 32E. Sentenced to 3 years to 3 years and one day (the 'A' sentence). Indictment No. 2000-10324-002- Convicted of a School Zone Violation under MGL.ch. 94C § 32J. Sentenced to 2 years and one day, said sentence was to be served 'from and after' the 'A' sentence (the 'B' sentence).
5. After the sentences were imposed, pursuant to the prescribed statutory law, Massachusetts Rules of Criminal Procedure 29(a), no motion was ever discussed or filed by either my attorney or the prosecutor to revise or revoke either sentence.

(2)

6. On or about August 27, 2001, while I was serving the 'A' sentence under Indictment No. 2000-10324-001, the sixty day period that's prescribed by the statutory law that governs the Massachusetts Rules of Criminal Procedure, Rule 29(a) had expired in which the parties were to file a timely revise and revoke motion if they felt that the sentences that were imposed on June 27, 2001 were unjust. (See attached hereto and marked as Exhibit '2', a copy of the superior court docket entries.)

7. With only approximately one month left remaining to be served on the 'A' sentence of 3 years to 3 years and one day, on April 10, 2004 I was called to the institutional case workers office and questioned about the legality of my 'from and after' sentence of 2 years to 2 years and one day imposed upon me on Indictment no. 2000-10324-002.

8. The case worker told me that the Department of Corrections was concerned as to why I was serving the 'B' sentence of 2 years to 2 years and one day in state prison and not a house of corrections.

9. Since I had no explanation, the case worker told me that she was drafting a letter sent by the Department of Corrections to the Clerk's Office at the Suffolk County Superior Court questioning the legality of the 'from and after' sentence under Indictment No. 2000-10324-002. (See Exhibit '2', Letter received from D.O.C. and per order of Spurlock RAJ case is set down for resentencing on offense #002.)

10. On April 28, 2004, I was habed into the Suffolk County Superior Court as the result of the D.O.Cs. letter that made reference to the legality of the 'from and after' sentence of 2 years to 2 years and one day under Indictment No. 2000-10324-002.

11. After reviewing the letter, the superior court judge took it upon his own to revoked the prior sentence of 2 years to 2 years and one day, by revising it to 2½ years to 2½ years and one day to be served 'from and after' the sentence then being served, the 'A' sentence. (See Exhibit '2'.)

12. The superior court judge increased my prior 'B' sentence under Indictment no. 2000-10324-002 by six months, making it

(3)

2½ years to 2½ years and one day to be served 'from and after' the 'A' sentence under Indictment No. 2000-10324-001.

13. The sixty day rule established by Rule 29(a) of the Massachusetts Rules of Criminal Procedure is absolute and expired on or about August 27, 2001. Therefore, the superior court in this cause of action had no authority to extend the time within which to revise and revoke the sentence of 2 years to 2 years and one day under Indictment No. 2000-10324-002 on April 28, 2004.

14. On May 10, 2004, the 'A' sentence of 3 years to 3 years and one day under Indictment No. 2000-10324-001 terminated. I was discharged from this sentence and commenced serving the 'revised sentence' of 2½ years to 2½ years and one day under Indictment No. 2000-10324-002.

15. The imposition of the instant sentence that I'm currently serving under this Indictment No. 2000-10324-002 is illegal in that the superior court judge was without authority and jurisdiction after the sixty day period had expired in which to revise and revoke sentence.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON
THIS DAY , 2005.

Respectfully submitted,

Frederick Teal Pro se

2000-10324-007

Commonwealth of Massachusetts

SUFFOLK, SS.

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,
begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of March in the
year of our Lord two Thousand.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

FREDERICK TEAL,

on February 15, 2000, did traffick in cocaine, a derivative of coca leaves, a Class B controlled substance under the provisions of G.L. c. 94C, § 31, by unlawfully, knowingly, and intentionally possessing with intent to distribute a net weight of fourteen grams or more of a mixture containing cocaine.

A TRUE BILL

Kathleen Hatch
Assistant District Attorney

Deborah Albert
Foreman of the Grand Jury

MAR 21 2000
Superior Court Department - Criminal Business

March, Sitting, 2000

Returned into said Superior Court by the Grand Jurors and ordered to be filed.

J. A. Yanei
 Clerk Of Court

8

2000-10324-002

Commonwealth of Massachusetts

SUFFOLK, SS.

At the SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT FOR CRIMINAL BUSINESS,
begun and holden at the CITY OF BOSTON, within and for the County of Suffolk, on the first Monday of March in the
year of our Lord Two Thousand.

THE JURORS for the COMMONWEALTH OF MASSACHUSETTS on their oath present that

FREDERICK TEAL,

on February 15, 2000, within one thousand feet of the real property comprising the Martin Luther King Jr. School, a
public elementary or secondary school, did traffick in cocaine, a derivative of coca leaves, a Class B controlled substance
under the provisions of G.L. c. 94C, § 31.

A TRUE BILL

Katherine Hatch
Assistant District Attorney

Deborah Albert
Foreman of the Grand Jury

MAR 21 2000
Superior Court Department - Criminal Business

March, Sitting, 2000

Returned into said Superior Court by the Grand Jurors and ordered to be filed.

J. A. Yanni
Clerk Of Court

SUCR2000-10324

Commonwealth v Teal, Frederick

File Date	03/21/2000	Status	Disposed (appeal denied) (dapden)	
Status Date	05/06/2004	Session	2 - Criminal 2 Ctrm 806	
Jury Trial	Unknown	Origin	I - Indictment	
Lead Case				
Arraignment	03/20/2000	Track		Final PTC 06/18/2000
Disp. Deadline	03/20/2001	Deadline Status	Deadline active since return date	Status Date 04/11/2000
Pro Se Deft	No	Custody Status	Norfolk MCI	Start Date 04/13/2004
Weapon		Substance		Prior Record Unknown

OFFENSES

Num	Offense	Code	Status	Status Date
1	02/15/2000	094C:032E:b1	Guilty verdict	05/30/2001
		Traffic in controlled substance, 14-27g		
2	02/15/2000	094C:032J	Guilty verdict	05/30/2001
		Controlled substnc, school property		
3	02/15/2000	094C:040	Dismissed	06/27/2001
		Controlled substnc, conspiracy		
4	02/15/2000	094C:032A:b	Not guilty finding	05/30/2001
		Class B substnc, distrib/manufac, 2nd/subsqnt offense		
5	02/15/2000	094C:034.1	Filed (guilty verdict)	06/27/2001
		Controlled substnc, possess		
6	02/15/2000	094C:032J	Not guilty finding	05/30/2001
		Controlled substnc, school property		

PARTIES

Plaintiff Commonwealth Gender: Unknown Active 03/22/2000	District Atty's Office 561915 Katherine P Hatch Suffolk County District Atty's Office 1 Bulfinch Place Boston, MA 02108 Phone: 617-619-4000 Fax: 617-619-4145 Inactive 03/13/2001
--	---

District Atty's Office 630812

Kevin R Hayden
 Suffolk County District Atty's Office
 1 Bulfinch Place
 3rd floor
 Boston, MA 02114
 Phone: 617-619-4000
 Fax: 617-619-4009
 Inactive 03/30/2001

SUCR2000-10324**Commonwealth v Teal, Frederick****Private Counsel 635730**

Masai-Maliek King
 Suffolk County District Atty's Office
 1 Bulfinch Place
 3rd floor
 Boston, MA 02114-2997
 Phone: 617-619-4000
 Fax: 617-619-4210
 Inactive 04/13/2004 Notify

Private Counsel 550478

Rosemary Daly
 Suffolk County District Atty's Office
 1 Bulfinch Place
 3rd floor
 Boston, MA 02114
 Phone: 617-619-4000
 Active 04/13/2004

Defendant

Frederick Teal
 15 Mascoma Street Apt. #1
 Boston, MA 02121
 DOB: 10/01/1956
 Gender: Male
 Active 03/21/2000

Private Counsel 339140

John K McNabb
 PO Box 325
 Buzzards Bay, MA 02532
 Phone: 508-759-3740
 Withdrawn 04/13/2004

Private Counsel 312170

Janet McNab
 33 Kingston Street
 4th Floor
 Boston, MA 02111
 Phone: 617-482-0263
 Fax: 617-451-5462
 Active 04/26/2004

Private Counsel 313370

Richard J Maggi
 73 Chestnut Street
 Springfield, MA 01103
 Phone: 413-734-4500
 Fax: 413-731-1302
 Inactive 04/26/2004 Notify

SUCR2000-10324

Commonwealth v Teal, Frederick

Witness

Tiffany Gomes
 MCI Framingham
 Gender: Female
 Aka Janet Gordon (inmate # 36826)
 Active 05/22/2001

Probation officer

Sandy Stillwell
 Chief Probation Officer
 Suffolk County Probation Dept
 Boston, MA 02109
 Gender: Unknown
 Active 11/30/2001 Notify

ENTRIES

Date	Paper	Text
03/21/2000	1.0	Indictment returned
03/21/2000	2.0	Motion by Commonwealth for summons of Deft to appear; filed & allowed (Spurlock, RAJ)
03/21/2000		Summons for arraignment issued
04/04/2000		Comes into court. Deft waives reading of indictment.
04/04/2000		Deft arraigned before Court
04/04/2000		Appointment of Counsel John K McNabb pursuant to Rule 53.
04/04/2000		Bail set: \$7500.00 Cash. *to be transferred from Dorchester District Court.
04/04/2000		Legal counsel fee assessed: \$100.00
04/04/2000		RE Offense 1:Plea of not guilty
04/04/2000		RE Offense 2:Plea of not guilty
04/04/2000		RE Offense 3:Plea of not guilty
04/04/2000		RE Offense 4:Plea of not guilty
04/04/2000		RE Offense 6:Plea of not guilty
04/04/2000		RE Offense 5:Plea of not guilty
04/04/2000		Bail warning read
04/04/2000		Deft notified of right to request drug exam
04/04/2000	3.0	Commonwealth files Statement of the Case.
04/04/2000	4.0	Commonwealth files Certificate of Discovery. Wilson, A/CM - K. Hatch, ADA - K.Canty, Court Reporter - J.McNabb, Atty.
05/09/2000	5.0	Comes into Court. Pre-trial conference report filed. Wilson, AC/M - K. Hatch, ADA - J. Gibbs, Court Reporter - J. McNab, Attorney
01/09/2001	6.0	Motion by Deft: motion to suppress statements and affidavit in support.
03/12/2001	7.0	Deft files Motion to Suppress Evidence and affidavit in support thereof.
04/02/2001		Comes into Court.
04/02/2001	8.0	Deft files Memorandum of law in support of Motion to Suppress statements and evidence.

SUCR2000-10324
Commonwealth v Teal, Frederick

Date	Paper	Text
04/02/2001	9.0	Commonwealth files Memorandum in opposition to defendant's motion to suppress the search warrant.
04/02/2001		After hearing re: Defendant's motion to suppress evidence and motion to suppress statements, Court takes motions under advisement. Quinlan,J-M.King, ADA-M.MacDonald, Court Reporter-J.MacNab, Attorney.
04/02/2001	10.0	ORDERED: Memorandum of Decision and Order denying Defendant's Motion to Suppress evidence and Motion to Suppress Statements, filed. Quinlan,J.
04/06/2001	11.0	Deft files Motion for funds for investigator.
04/06/2001		Motion (P#11) allowed up to an amount of \$750.00. Quinlan, J.
05/22/2001		Case transferred to second session for trial on 5/24/2001
05/24/2001		Comes into Court
05/24/2001	12.0	Deft files motion in limine
05/24/2001		Motion (P#12) is allowed by agreement.
05/24/2001	13.0	Deft files motion for voire dire question to jury
05/24/2001		Motion (P#13) is allowed.
05/24/2001	14.0	Deft files motion in limine
05/24/2001		Motion (P#14) is denied after hearing.
05/24/2001		Commonwealth moves for trial on offenses #001,002,004,005 and 006. Court Spurlock J. orders 14 jurors inpannelled.
05/24/2001		Appointment of Counsel John Courtney under rule 53 to represent witness Tiffney Gomes aka Janet Gordon
05/24/2001		Hearing re: fifth admendment rights of witness Tiffney Gomes after hearing Court rules that witness has fifth admendment rights. Witness elects to testified against counsel advice.
05/24/2001		Court takes Commonwealth's oral motion in limine to excude testimony of Tiffney Gomes aka Janet Gordon underadvise. D. Cullinan Court Reporter
05/25/2001		Comes into Court
05/25/2001		Court denies Commonwealth's oral motion in limine to exclude testimony of Tiffney Gomes aka Janet Gordon.
05/25/2001		Jury sworn. Issue read.
05/25/2001		Commonwealth rests its case in chief. K. Carty Court Reporter
05/29/2001		Comes into Court
05/29/2001		Trial continues. Defendant rests its case.
05/29/2001		Court orders jury reduced to twelve members and designates jurors Joanna Bond and Felicia Cerrato as alternate jurors. Jury question #1 mark A for identification. D. Cullinan Court Reporter
05/30/2001		Comes into Court
05/30/2001		Jury resumes deliberations. Jury question #2 mark B for identification. Jury question #3 mark C for identification
05/30/2001		RE Offense 1:Guilty verdict
05/30/2001	15.0	Verdict affirmed, verdict slip filed
05/30/2001		RE Offense 2:Guilty verdict
05/30/2001	16.0	Verdict affirmed, verdict slip filed
05/30/2001		RE Offense 4:Guilty verdict

SUCR2000-10324
Commonwealth v Teal, Frederick

Date	Paper	Text
05/30/2001	17.0	Verdict affirmed, verdict slip filed
05/30/2001		RE Offense 5:Guilty verdict
05/30/2001	18.0	Verdict affirmed, verdict slip filed
05/30/2001		RE Offense 6:Guilty verdict
05/30/2001	19.0	Verdict affirmed, verdict slip filed
05/30/2001		Defendant oral motion to set aside the verdict on offenses #004 and #006 is allowed after hearing, Commonwealth not objecting thereto
05/30/2001		RE Offense 4:Not guilty finding
05/30/2001		RE Offense 6:Not guilty finding. Defendant discharged as to offenses #004 and #006
05/30/2001		Commonwealth moves for sentencing on offenses #001,002, and #005
05/30/2001		Bail set on 04/04/2000 is revoked and order defendant committed to Common Jail on a mittimus without bail.
05/30/2001		On oral motion of the Commonwealth Court orders exhibits 1 thru 12 and 17 and 18 destroyed, order of destruction stayed thirty days after disposition on 6/27/2001. Spurlock J - M. King ADA - D.
		Cullinan Court Reporter - J. McNab Attorney
06/26/2001	20.0	Deft files sentencing memorandum.
06/27/2001		Brought into Court. Hearing re: Sentencing.
06/27/2001		Sentence imposed: as to offense #001 - MCI Cedar Junction - Max: Three Years and One Day - Min: Three Years. Mittimus issued.
06/27/2001		Sentence credit given as per 279:33A: 28 days of said sentence.
06/27/2001		Victim-witness fee assessed: \$60.00
06/27/2001		Assessment of \$150.00 re: Criminal Assessment.
06/27/2001		Sentence imposed: as to offense #002 - MCI Cedar Junction - Max: Two Years and One Day - Min: Two Years from and after sentence imposed on offense #001. Mittimus issued.
06/27/2001		Sentence credit given as per 279:33A: 0 days of said sentence.
06/27/2001		Notified of right of appeal under Rule 64
06/27/2001		RE Offense 5:Filed (guilty verdict), upon oral motion of the Commonwealth. Court Orders offense placed on file after a verdict guilty, defendant assenting thereto.
06/27/2001		RE Offense 3:Dismissed, upon oral motion of the Commonwealth, defendant assenting thereto.
06/27/2001		Abstract sent to RMV
06/27/2001		Notified of right of appeal under Rule 65. Spurlock, RAJ - M. King, ADA - N. Gagnon, Court Reporter - J. MacNab, Attorney
07/06/2001	20.1	Deft files pro se: appeals from sentence to M. C. I. Cedar Junction
07/06/2001		Deft files pro se: appeals from sentence to M.C.I. Cedar Junction. (Spurlock, RAJ, DeVecchio, CJ and S. Stillwell, CPO) (Notice sent 11/30/2001)
07/11/2001	21.0	Deft files Notice of Appeal.
07/11/2001	22.0	Deft files Motion to withdraw. (Spurlock, RAJ notified w/copy 7/17/01)
07/11/2001	23.0	Deft files Motion for appointment of Appellate Counsel. (Spulock, RAJ notified w/copy 7/17/01)

SUCR2000-10324
Commonwealth v Teal, Frederick

Date	Paper	Text
07/30/2001		Motion (P#22) allowed.
07/30/2001		Motion (P#23) allowed. CPCS Division appointed to represent defendant. Spurlock, RAJ
07/31/2001		Copy of notice of appeal mailed to Spurlock, J and M.King, ADA
07/31/2001		Court Reporter M.McDonald is hereby notified to prepare one copy of the transcript of the evidence of April 2, 2001 for Hearing on Motion to Suppress Evidence and Statements before Quinlan, J
07/31/2001		Court Reporter D.Cullinan is hereby notified to prepare one copy of the transcript of the evidence of May 24, 29,30, 2001 Trial - Verdicts and Hearing on Motion to set verdicts aside before Spurlock,J
07/31/2001		Court Reporter K.Canty is hereby notified to prepare one copy of the transcript of the evidence of May 25,2001 for trial before Spurlock,J.
07/31/2001	24.0	Court Reporter N.Gagnon is hereby notified to prepare one copy of the transcript of the evidence of June 27,2001 for disposition before Spurlock,J. Certificate of Clerk-filed..
08/02/2001		Victim-witness fee paid as assessed in the amount of \$60.00
08/02/2001		Drug fee paid as assessed in the amount of \$150.00
09/10/2001		Transcript of testimony received from N.Gagnon, Court Reporter.
04/02/2002		Transcript of testimony received from N.King, Court Reporter.
06/18/2002		Entry of 6/27/2001 amended to read that defendant deemed to have served 47 days awaiting disposition instead of 28 on offense #001.
06/25/2002		Letter of Correction refelcting a total of 47 days credit sent to Records Department, MCI Concord & to defendant this day. Duplicate Mittimus as to #002 sent to Records Dept - MCI Concord for assurance - this day.
07/01/2002		Second notice sent to Court Reporters D.Cullinan and M.McDonald Re: Transcripts.
09/19/2002		Transcript of testimony received from D.Cullinan, Court Reporter.
10/03/2002		Transcript of testimony received from M.McDonald, Court Reporter.
10/07/2002		Notice sent to attorneys that transcripts are available.
10/11/2002	25.0	Certificate of delivery of transcript by clerk filed.
10/17/2002	26.0	Certificate of delivery of transcript by clerk filed.
10/21/2002		Notice of completion of assembly of record sent to clerk of Appeals Court and attorneys for the Commonwealth and defendant.
10/21/2002		Two (2) certified copies of docket entries, original and copy of transcript, two (2) copies of exhibit list and list of documents, Copy of #10 and 21, each transmitted to clerk of appellate court.(R.Daly,ADA -M.King, ADA - R,Maggi,Attornsy for the defendant)
10/23/2002	27.0	Notice of docket entry from the Appeals Court was entered in this court on October 21, 2002.
02/20/2004		Evidence delivered to Boston Police Department evidence officer.
04/13/2004	28.0	Letter received from D.O.C. and per order of Spurlock RAJ case is set down for resentencing on offense #002. (notice sent to ADA King, Atlys J. McNab and Richard Maggi)
04/28/2004		Defendant brought into court.
04/28/2004		After hearing re: #002 - Sentence Revoked and Revised to read M.C.I.

Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

Case Summary

Criminal Docket

SUCR2000-10324

Commonwealth v Teal, Frederick

Date	Paper	Text
		Cedar Junction - Not more than: (2 1/2) Two and a half years and (1) One day - Not less than: (2 1/2) Two and a half years. "FROM and AFTER" sentence imposed on #001. (mitt issued) Spurlock, J. - M. King, ADA - P. Connolly, Court Reporter - J. McNab, Attorney.
05/06/2004	29.0	Rescript received from Appeals Court; judgment AFFIRMED (M. King, ADA and R. Maggi, Attorney notified)
08/19/2004	30.0	Defendant's motion for free transcripts, filed. (Spurlock, RAJ notified w/copy and docket sheets)
09/13/2004		Motion (P#30) denied (Charles T Spurlock).
02/04/2005	31.0	Deft files pro-se: motion for Court to Reconsider it's 2 1/2 years to 2 1/2 years and one day sentence imposed on April 28, 2004, Pursuant to Mass. R. Crim P. Rule 29 (a) and request for hearing with memorandum in support of. (Spurlock, J notified 2/9/05)

EVENTS

Date	Session	Event	Result
03/20/2000	Magistrate Ctrm 706	Arraignment	Event held as scheduled
04/04/2000	Magistrate Ctrm 706	Arraignment	Event canceled not re-scheduled
05/09/2000	Magistrate Ctrm 706	Conference: Pre-Trial continuance by agreement	Event held as scheduled
06/22/2000	Magistrate Ctrm 706	Hearing: Non-eviden-Discovery by agreement - motions to be filed 6/15/00	Event held as scheduled
07/28/2000	Magistrate Ctrm 706	Hearing: Non-eviden-Discovery Continuance by agreement.	Event held as scheduled
09/21/2000	Magistrate Ctrm 706	Conference: Status Review Continuance by agreement re: Commonwealth's discovery compliance	Event held as scheduled
10/30/2000	Magistrate Ctrm 706	Hearing: Non-eviden-Discovery Continuance by agreement. Motions to be filed by 10/16/00.	Event held as scheduled
12/05/2000	Magistrate Ctrm 706	Conference: Trial Assignment by agreement.	Event held as scheduled
01/26/2001	Criminal 4 Ctrm 815	TRIAL: by jury	Event canceled not re-scheduled
02/26/2001	Criminal 4 Ctrm 815	TRIAL: by jury	Event held as scheduled
04/02/2001	Criminal 6 Ctrm 906	Hearing: Motion	Event held as scheduled
04/19/2001	Criminal 6 Ctrm 906	Conference: Trial Assignment	Event not held--scheduled for another date
05/24/2001	Criminal 6 Ctrm 906	TRIAL: by jury	Event canceled not re-scheduled
05/24/2001	Criminal 2 Ctrm 806	TRIAL: by jury	Trial begins
05/29/2001	Criminal 2 Ctrm 806	TRIAL: by jury	Event held as scheduled
06/27/2001	Criminal 1 Ctrm 704	Hearing: Sentence Imposition	Event held as scheduled
04/28/2004	Criminal 2 Ctrm 806	Hearing: Sentence Revise/Revoke On offense #002 . Court orders a writ of habeas corpus to MCI Norfolk for 4/28/2004. Writ issued.	Event held as scheduled

BAIL

Bail Type	Cash
Bail Amount	\$7,500.00
Bail Status	Returned
Status Date	05/31/2001